



RECEIVED

FEB 20 2003

TECH CENTER 1600/2900

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/765,555
	Filing Date	19 January 2001
	First Named Inventor	Carlos F. BARBAS III et al.
	Group Art Unit	1638
	Examiner Name	Anne R. Kubelik
Total Number Of Pages In This Submission	Attorney Docket No.	278012001420

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): -Copy of notice to comply Return postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s):	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		



25225

PATENT, TRADEMARK OFFICE

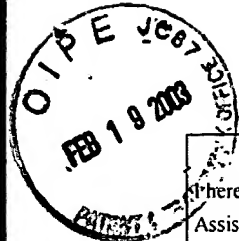
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Peng Chen, Registration No. 43,543 Morrison & Foerster LLP, 3811 Valley Centre Drive, Suite 500, San Diego, CA 92130
Signature	
Date	February 10, 2003

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on 2-10-, 2003.
Rhea Amid

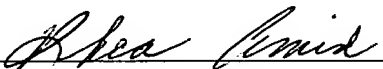
Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

sd-131671



CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on 2-10, 2003.


Rhea Amid

#16/51EC.
6P
3/7/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Carlos F. BARBAS, III, et al.

Serial No.: 09/765,555

Filing Date: January 19, 2001

For: METHODS AND COMPOSITIONS TO
MODULATE EXPRESSION IN
PLANTS

Examiner: Anne R. Kubelik

Group Art Unit: 1638

RECEIVED

FEB 20 2003

TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This paper responds to the Restriction Requirement mailed on January 9, 2003, for which a response is due on February 10, 2003 as February 9, 2003 being a Sunday. Since this response is timely filed, *i.e.*, by February 10, 2003, no fee is required for filing this Response.

Claims 1-54 are restricted to groups I - XII as follows:

- I. Claims 1-2, 5-31, 36-55 and 133-138, drawn to a method of modulating the expression of a target gene by topically applying a zinc finger protein to a plant, classified in class 514, subclass 2.
- II. Claims 1, 3-31, 36-89, 91-100 and 133-138, drawn to a method of modulating the expression of a target gene by transforming a plant with a nucleic acid that